

25527-0001

09/997475

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Jaime Ramirez-Vick )	Examiner: Young J. KIM
	)	
Application Serial No.:	10/029,113 )	Art Unit: 1637
	)	
Filed:	December 19, 2001 )	Attorney's Docket No. 25527-0001
	)	
For:	Reversible Binding of Molecules )	Customer No. 25213
	to Metal Substrates Through )	
	Affinity Interaction )	

Copy  
See Paper #4

EXPRESS MAIL LABEL NO. EV 976543386 US  
Date Mailed: OCTOBER 22, 2003

OF Pet. For

09/997475

PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED PRIORITY CLAIM  
UNDER 37 C.F.R. § 1.119(e)

Mail Stop Petitions

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants petition the United States Patent and Trademark Office to accept the benefit of the prior-filed provisional application 60/134,110 in pending United States Patent Application Serial No. 10/029,113. Accordingly, applicants petition the United States Patent and Trademark Office that United States Patent Application Serial No. 10/029,113 be afforded the following priority claim:

United States Patent Application Serial No. 10/029,113 is a continuation of United States Patent Application Serial No. 09/571,084 filed May 15, 2000, now abandoned, and claims the benefit of United States Provisional Application Serial No. 60/134,110, filed May 14, 1999.

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OFFICE OF PETITIONS

## REMARKS

Provisional Application 60/134,110 entitled "Method for Reversible Binding of Molecules to Metal Substrates Through Affinity Interactions" was filed on May 14, 1999 by inventor Jaime Ramirez Vick and his assignee Iris Biotechnologies, Inc. A copy of the filing receipt of Provisional Application 60/134,110 accompanies this Petition.

Non-provisional United States Patent Application 09/571,084 entitled "Reversible Binding of Molecules to Metal Substrates Through Affinity Interactions" was filed May 15, 2000 by inventor Jaime Ramirez Vick and his assignee Iris Biotechnologies, Inc. One of the documents filed in response to the Notice to File Missing Parts in that application was a VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL-ENTITY STATUS (37 CFR 1.9(c-f) and 1.27 (b-d) naming the above-named provisional application 60/134,110. A copy of the filing receipt and of the documents filed in response to the Notice to File Missing Parts is enclosed.

Non-provisional United States Patent Application 09/571,084 is entitled to claim priority to provisional application 60/134,110 since application 09/571,084 has the same inventor and subject matter as that provisional application, and was filed on the first working day (May 15, 2000) following the one-year anniversary of the filing date (May 14, 1999) of provisional application 60/134,110. Enclosed is a copy of a calendar for May 2000 showing that May 14, 2000 was a Sunday and that May 15, 2000 was a Monday, the first working day following May 14, 2000.

The present application, United States Patent Application Serial No. 10/029,113, entitled "Reversible Binding of Molecules to Metal Substrates Through Affinity Interactions" was filed on December 19, 2001 by inventor Jaime Ramirez Vick and his assignee Iris Biotechnologies, Inc., and is a continuation of United States Patent Application 09/571,084. A copy of the filing receipt of application 10/029,113 accompanies this petition.

Pending application 10/029,113, a continuation of application 09/571,084, filed on Monday, May 15, 2000, is entitled to claim the benefit of provisional application 60/134,110 filed on May 14, 1999, since the inventor of the non-provisional application is the inventor of the provisional application, there is common subject matter in both applications, and the parent non-provisional application was filed on the first business day after the one-year anniversary of the filing date of the provisional application.

Enclosed is a copy of an Amendment to amend the specification of United States Patent Application 10/029,113 to claim the benefit of provisional application 60/134,110.

The Commissioner is authorized to charge (or credit any overpayment) deposit account No. 08-1641 referencing Attorney Docket No. 99999-0208 in payment for the fees due for this Petition. Such payment is believed to be in the amount of \$1,330 for the petition fee required by 37 C.F.R. § 1.17(t) (fee code 1454).

This petition includes:

- a) the reference required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(5)
- b) the surcharge under 37 CFR 1.17(t) (the above-indicated authorization)
- c) a statement that the entire delay between the claim was due under 37 CFR 1.78(a)(5) and the date the claim was filed was unintentional (below).

### **STATEMENT**

The entire delay between the date the priority claim to provisional application Serial No. 60/134,110 was due and the date this claim is filed was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements made with the knowledge that willful false statements and

the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,

Date: October 22, 2003

A handwritten signature in black ink, appearing to read "James A. Fox", written over a horizontal line.

James A. Fox (Reg. No. 38,455)

**HELLER EHRMAN WHITE & McAULIFFE LLP**  
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Menlo Park, California 94025  
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Jaime Ramirez-Vick )	Examiner: Young J. KIM
	)	
Application Serial No.:	10/029,113 )	Art Unit: 1637
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	)	
For:	<b>Reversible Binding of Molecules</b> )	<b>Customer No. 25213</b>
	<b>to Metal Substrates Through</b> )	
	<b>Affinity Interaction</b> )	

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EXPRESS MAIL LABEL NO. EV 976543372 US

Date Mailed: OCTOBER 22, 2003

AMENDMENT

**Mail Stop Non-Fee Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

Please enter the following amendment.

Added text is indicated by underlining and deleted text is indicated by ~~striketrough~~ text.

**In the Specification:**

Copy

Please amend the specification by amending the paragraph beginning at the first line to read as follows:

This is a continuation of pending prior application Serial No. 09/571,084, filed May 15, 2000, now abandoned, which application claims the benefit of United States Provisional Application Serial No. 60/134,110, filed May 14, 1999.

## REMARKS

Provisional Application 60/134,110 entitled "Method for Reversible Binding of Molecules to Metal Substrates Through Affinity Interactions" was filed on May 14, 1999 by inventor Jaime Ramirez Vick and his assignee Iris Biotechnologies, Inc. A copy of the filing receipt of Provisional Application 60/134,110 accompanies this Petition.

Non-provisional United States Patent Application 09/571,084 entitled "Reversible Binding of Molecules to Metal Substrates Through Affinity Interactions" was filed May 15, 2000 by inventor Jaime Ramirez Vick and his assignee Iris Biotechnologies, Inc. One of the documents filed in response to the Notice to File Missing Parts in that application was a VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL-ENTITY STATUS (37 CFR 1.9(c-f) and 1.27 (b-d) naming the above-named provisional application 60/134,110. A copy of the documents filed in response to the Notice to File Missing Parts is enclosed.

Non-provisional United States Patent Application 09/571,084 is entitled to claim priority to provisional application 60/134,110 since application 09/571,084 has the same inventor and subject matter as that provisional application, and was filed on the first working day (May 15, 2000) following the one-year anniversary of the filing date (May 14, 1999) of provisional application 60/134,110. Enclosed is a copy of a calendar for May 2000 showing that May 14, 2000 was a Sunday and that May 15, 2000 was a Monday, the first working day following May 14, 2000.

The present application, which is a continuation of application 09/571,084 (filed on Monday, May 15, 2000), is entitled to claim the benefit of provisional application 60/134,110 filed on May 14, 1999, since the parent application is entitled to the benefit of that provisional application, since the inventor of the non-provisional application is the inventor of the provisional application, there is common subject matter in both applications, and the parent non-provisional application was filed on the first business day after the one-year anniversary of the filing date of the provisional application.

Enclosed is a copy of a Petition to Accept an Unintentionally Delayed Priority Claim Under 37 CFR 1.119(e) which is being filed concurrently with this Amendment.

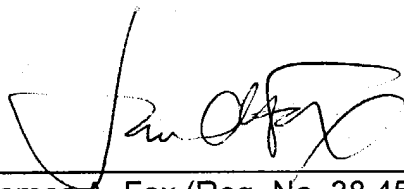
### CONCLUSION

Entry of the amendment, and consideration and allowance of the pending claims is requested.

Although no fee is believed to be due, the Commissioner is authorized to charge (or credit any overpayment) deposit account No. 08-1641 referencing Attorney Docket No. 99999-0208 in payment for the fees due for this Amendment.

Respectfully submitted,

Date: October 22, 2003

  
\_\_\_\_\_  
James A. Fox (Reg. No. 38,455)

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